

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

A. G., a minor child by and through
her mother and next friend, K.C.,
et al.,

Plaintiffs,

V.

AUTAUGA COUNTY BOARD OF
EDUCATION, et al.,

Defendants.

CIVIL ACTION NO. 2:05cv1090-MEF
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B. H. A minor child, by and through
his mother and next of friend, D. S.,

Plaintiff,

V.

AUTAUGA COUNTY BOARD OF
EDUCATION, et al.,

Defendants.

CIVIL ACTION NO. 2:06cv383-MEF

ORDER

Upon consideration of plaintiffs' motion to compel (Doc. #65), and defendants' response to the motion (Doc. #66), and for good cause, it is

ORDERED that the motion is GRANTED in part and DENIED in part as follows:

1. Counsel for both parties are DIRECTED to confer, in person or by telephone, on or before September 5, 2006 to determine a *mutually agreeable* date, time and place for the deposition of Jim Abraham. Counsel for defendants shall initiate the call or

meeting. The deposition shall thereafter go forward at the agreed upon time, without excuse or exception, unless good cause is shown.

2. Counsel have been before the court many times previously in this and in a related case (with different plaintiffs' counsel) for the resolution of multiple discovery disputes, many of which should have been settled by the lawyers themselves. If counsel cannot work together in good faith as required by the guidelines to civil discovery for this district – and, therefore, continue to require the court's assistance on questions of this kind – the court will set aside Saturdays at 8 am to hear their disagreements, and it will impose sanctions against the losing party in accordance with Fed.R.Civ.P. 37(a)(4) in the absence of substantial justification for the losing party's position.

DONE, this 1st day of September, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE